

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Lars R. Damgaard

Application No.: 10/540,349

Confirmation No.: 2540

Filed: September 1, 2005

Art Unit: 1657

For: DEVICE AND METHOD FOR  
NON-INVASIVE MEASUREMENT OF THE  
INDIVIDUAL METABOLIC RATE OF A  
SUBSTANTIALLY SPHERICAL  
METABOLIZING PARTICLE

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Examiner: Paul C. Martin

**SUPPLEMENTAL AMENDMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

**INTRODUCTORY COMMENTS**

This amendment is made pursuant to an interview Applicant's attorney conducted with the Examiner on February 2, 2009, and supplements the amendment Applicant submitted on January 15, 2009, in response to the Office Action mailed July 15, 2008.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.